

**Superfund Program Implementation Manual FY 04/05**

**Appendix G: Government Performance and Results Act (GPRA)**

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## Appendix G Government Performance and Results Act (GPRA)

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## **Appendix G**

### **Government Performance and Results Act (GPRA)**

#### ***G.A GOVERNMENT PERFORMANCE AND RESULTS ACT (GPRA) OF 1993***

Superfund's program planning and reporting requirements have evolved and matured in recent years. The National Goals Project of 2005 and the Chief Financial Officer's (CFO) Act started the evolution of Superfund program management by shifting the focus from tracking administrative and program outputs to a results-oriented future (e.g., Superfund Environmental Indicators) in which the program is held accountable for achieving quantifiable environmental results. Superfund has continued its evolution towards more outcome-oriented measures under the Congressionally mandated GPRA, which provides the overarching principles for Superfund program management.

#### ***Background***

In 1993, Congress enacted the Government Performance and Results Act of 1993 (Public Law 103-62) based on its findings that:

- Waste and inefficiency in Federal programs undermine the confidence of the American people in the government and reduces the Federal government's ability to adequately address vital public needs;
- Federal managers are seriously disadvantaged in their efforts to improve program efficiency and effectiveness because of insufficient articulation of program goals and inadequate information on program performance; and
- Congressional policy making, spending decisions, and program oversight are seriously handicapped by insufficient attention to program performance and results.

The purposes of the Act are to:

- Improve the confidence of the American people in the capability of the Federal government, by systematically holding Federal agencies accountable for achieving program results;
- Initiate program performance reform with a series of pilot projects in setting program goals, measuring program performance against those goals, and reporting publicly on their progress;
- Improve Federal program effectiveness and public accountability by promoting a new focus on results, service, quality, and customer satisfaction;
- Help Federal managers improve service delivery, by requiring that they plan for meeting program objectives and by providing them with information about program results and service quality;
- Improve Congressional decision making by providing more objective information on achieving statutory objectives, and on the relative effectiveness and efficiency of Federal programs and spending; and
- Improve internal management of the Federal government.

The Government Performance and Results Act (GPRA) holds federal agencies accountable for using resources wisely and achieving program results. GPRA requires agencies to develop plans for what they intend to accomplish, measure how well they are doing, make appropriate decisions based on the information they have gathered, and communicate information about their performance to Congress and to the public.

OSWER Directive 9200.3-14-1G-Q

The Superfund Remedial Program continually seeks to improve its ability to measure progress in achieving its true environmental mission: to control the risks to human health and the environment at contaminated properties, and to make land available for reuse.

In FY 2004, the Superfund Remedial Program will measure its progress in achieving environmental results through five key strategic targets. These five strategic targets include: (1) performing site assessments and making final assessment decisions, (2) selecting final remedies designed to clean up contamination to risk levels that are protective of human health and the environment and appropriate for reasonably anticipated future land use, (3) completing construction of the selected remedies, (4) protecting the public from the health effects of exposure to contamination, (5) controlling the migration of contaminated groundwater. Each strategic target represents an important milestone in achieving risk reduction; no one measure can itself adequately capture the total environmental benefits derived from the Superfund program.

Strategic targets (1) and (3), above, have been in place for several years. Two of the strategic targets, (4) and (5), were implemented for the first time in FY 2003. Strategic target (2) is new for FY 2004.

Strategic targets (4) and (5) highlight EPA's efforts to control human exposure pathways and the migration of contaminated groundwater at NPL and non-NPL sites. In FY 2002, these two strategic targets first provided baseline information about whether human exposures and the migration of contaminated groundwater are currently under control under the existing conditions at NPL sites. These two strategic targets focus on the current conditions at sites (i.e., current exposures and current land use) and highlight sites where some risk reduction has occurred as a result of EPA's activities. As such, these indicators seek to quantify the benefits resulting from intermediate cleanup and investigative activities.

The Human Exposure Under Control strategic target is designed to describe whether adequately protective controls are in place to prevent any unacceptable human exposure under current land and groundwater use conditions only. This strategic target does not consider potential future land or groundwater use conditions or ecological receptors. As of September 30, 2002, over 80% of NPL sites had human exposures under control. The Superfund program expects to control human exposures at an additional 10 sites for FY 2003 and FY 2004.

The Groundwater Migration Under Control strategic target is meant to describe whether the migration of contaminated groundwater from a Superfund site is being controlled through engineered remedies or natural processes. As of September 30, 2002, the migration of contaminated groundwater was under control at over 60% of NPL sites with contaminated groundwater. The Superfund program expects to control the migration of contaminated groundwater at an additional 10 sites for FY 2003 and FY 2004.

The Superfund Remedial program is committed to returning underutilized land to productive reuse through its cleanup and other actions. Superfund initiated a workgroup in FY 2003 to develop a strategic target for this activity. As a result of its efforts, Superfund is introducing a GPRA performance measure entitled "Acres of Land Available for Reuse" in FY 2004. This GPRA performance measure will be tracked under Appendix G, and SCAP 15, even though this measure is not a strategic target under the Strategic Plan. The purpose of this performance measure is to gather crucial data to support the ultimate development of a strategic target in the future.

The Superfund Enforcement program will continue to measure its success by applying the "Enforcement First" strategy and by recovering costs.

Other performance measure related activities include the One Cleanup Program Initiative, in which Superfund is an active participant. The Measuring for Results component of the One Cleanup Program Initiative involves developing an unified, cohesive set of performance measures for all cleanup programs. As a result of this effort, Superfund is introducing Strategic Target (2), which mirrors a similar performance measure used for years in the RCRA program.

In FY 2004, Superfund will also be working with Regions to extend the traditional and evolving performance measures, including construction completions, to the Superfund Alternative Sites. The current focus of this effort is to improve the quality of CERCLIS data, particularly on sites in the alternative universe. A HQ/regional workgroup is being formed to finalize the approach for tracking and counting construction completions.

### **G.A.1 Strategic Plan Requirements**

Agencies were required to submit their first strategic plan no later than September 1997. The strategic plan must be updated once every three years or when there are significant policy, programmatic, or other changes to any element of the current plan. Minor changes to the strategic plan can be incorporated in advance of the three-year cycle by including the changes in the annual performance plan.

The strategic plan covers a minimum period of six years, beginning in the fiscal year that it is written. The first EPA strategic plan was published in September 1997 and covered the nine years of FY 1997 through FY 2005. The latest strategic plan was published in October 2003 and covers the five years of FY 2004 through FY 2008. Strategic plan elements required by GPRA are as follows:

#### ***a. Comprehensive Mission Statement***

The mission statement is a brief statement which defines the basic purpose of the agency. It focuses on the core programs and activities, including a brief discussion of the enabling or authorizing legislation and issues Congress specifically charged the agency to address.

#### ***b. General Goals and Objectives***

The strategic plan documents the long-term programmatic, policy, and management goals of the agency, including the planned accomplishments and the schedule for their implementation. The general goals and objectives elaborate how the agency will carry out its mission. To the extent possible, this should be in the form of outcome-type goals. In the EPA strategic plan objectives are broken down into subobjectives to address specific issues not captured in the broad objective statements. These subobjectives correspond with program result codes (PRCs) in the EPA planning and budget structure.

The criteria for the general goals and objectives are as follows: (a) the goals/objectives need to be precise in order to direct and guide the staff to fulfill the mission of the agency; (b) the goals/objectives should be within the agency's span of influence; and (c) the goals/objectives should be defined in a manner that allows future assessment to be made on whether the goals/objectives were or are being achieved.

#### ***c. Description of How General Goals and Objectives Will Be Achieved***

This section describes the means the agency will use to meet the general goals and objectives. This includes, when applicable: (a) operational processes; (b) skills and technologies; and (c) human, capital, information, and other resources.

#### ***d. Relationship Between Goals in the Annual Performance Plan and in a Strategic Plan***

The strategic plan should briefly outline: (a) the type, nature, and scope of performance goals to be included in a performance plan; (b) the relationship between the performance goals and the general goals and objectives; and (c) the relevance and use of performance goals in helping determine the achievement of general goals and objectives.

#### ***e. Key Factors Affecting Achievement of General Goals and Objectives***

The strategic plan identifies key external factors that are beyond the Agency's control that could significantly affect the achievement of the general goals and objectives. The external factor needs to be linked to a goal(s) and describe how the achievement of the goal could be affected by the factor.

***f. Program Evaluations***

Program evaluations that were used in preparing the strategic plan should be briefly described. Also, a schedule for future program evaluations needs to be included.

Development of the strategic plan is considered to be an inherently governmental function; therefore, it can only be performed by Federal employees.

**G.A.2 Annual Performance Plan**

Agencies submit an annual performance plan to Congress with the enacted operating plan for each fiscal year. The performance plan includes:

***a. Performance Goals***

Objective, quantifiable, and measurable performance goals that define the level of performance to be achieved by a program activity. At EPA these are called annual performance goals (APGs).

***b. Resources***

A brief description of the operational processes, skills and technology, and the human, capital, information, or other resources required to meet performance goals.

***c. Performance Indicators***

Performance indicators to assess the relevant outputs, service levels, and outcomes of each activity. At EPA these are called annual performance measures (APMs).

***d. Verification and Validation***

A basis for comparing actual program results with the established performance goals, and a description of the methodology to be used to verify and validate measured values.

The development of the annual performance plan is considered to be an inherently governmental function; therefore, it can only be performed by Federal employees.

**G.A.3 Annual Performance Report**

Agencies are required to submit an annual performance report to the President and Congress no later than March 31 of each year. The performance report includes:

- The performance indicators in the agency performance plan with a comparison of the program performance achieved against the performance goal(s) that were set;
- A review of the success in achieving the performance goals;
- An assessment of the performance plan for the current fiscal year relative to the performance achieved in the preceding fiscal year;



- An explanation and description where a performance goal was not met, of: (a) why the goal was not met, (b) plans and schedules for achieving the performance goal; or (c) recommended action if the performance goal is impractical or infeasible (e.g., current or future funding is inadequate, an unforeseen occurrence impedes achievement);
- A description of the use and effectiveness of a managerial flexibility waiver in achieving the performance goal;
  - An indication of any individual or organizational consequences resulting from a failure, after using the waiver, to maintain the previous level of performance;
  - A brief explanation of the reasons for suspending or ending prematurely any waiver that was in effect for the fiscal year;
- A summary of the program evaluations completed during the fiscal year;
- Performance trend data for the three preceding fiscal years. These data will phase into the report (e.g., for FY 00, FY 99 data; for FY 01, FY 99 - FY 00 data; for FY 02, FY 99 - 01 data; for FY 03, FY 00 - 02 data); and
- An acknowledgment of the role and a description of the contributions made by non-Federal entities in the preparation of the report.

Development of the annual performance report is considered to be an inherently governmental function; therefore, it can only be performed by Federal employees.

## ***G.B. SUPERFUND GPRA STRUCTURE***

The following is EPA's planning and budgeting architecture for Superfund appropriations. These correspond to the 2003 Strategic Plan. Changes to both the architecture and annual performance goals and measures may occur if a new strategic plan is written or as part of the FY 2004 enacted operating plan process. The strategic plan and FY 2004 budget request can be found on the EPA internet at <http://www.epa.gov/ocfopage/>. The numerical goals indicated in each APG are national. Regions negotiate their own specific targets with Headquarters during the annual work planning sessions held in mid-October.

### **Goal 3: Land Preservation and Restoration**

Preserve and restore the land by **using innovative waste management practices and cleaning up contaminated properties to reduce risks posed by releases of harmful substances.**

#### **Objective 3.2: Restore Land**

**By 2008, control the risks to human health and the environment by mitigating the impact of accidental or intentional releases and by cleaning up and restoring contaminated sites or properties to appropriate levels.**

#### **Sub-objective 3.2.1: Prepare for and Respond to Accidental and Intentional Releases**

**By 2008, reduce and control the risks posed by accidental and intentional releases of harmful substances by improving our Nation's capability to prepare for and respond more effectively to these emergencies.**

#### **Strategic Targets:**

- Each year through 2008, improve the Agency's emergency preparedness by achieving and maintaining the capability to respond to simultaneous large-scale emergencies and by increasing response readiness by 10 percent from a baseline established by the end of 2003 using the core emergency response criteria.
- Each year through 2008, respond to 350 hazardous substance releases and 300 oil spills.

## OSWER Directive 9200.3-14-1G-Q

- Each year through 2008, minimize impacts of potential oil spills by inspecting or conducting exercises or drills at 6 percent of approximately 6,000 oil storage facilities required to have Facility Response Plans. (Between FY 1997 and FY 2002, 30 percent of these facilities were inspected.)

### **Sub-objective 3.2.2: Clean Up and Reuse Contaminated Land**

By 2008, control the risks to human health and the environment at contaminated properties or sites through cleanup, stabilization, or other action, and make land available for reuse.

#### Strategic Targets:

- By 2008, perform 88,000 health and environmentally based site assessments and make 41,700 final-assessment decisions under Superfund, and assess 100 percent (approximately 1,714) RCRA baseline facilities. Universe of RCRA baseline facilities will be evaluated and, if necessary, adjusted in FY 2004.
- By 2008, control all identified unacceptable human exposures from site contamination to at or below health-based levels for current land and/or ground-water use conditions at 95 percent (approximately 1,628) of RCRA baseline facilities and 84 percent (1,259) of 1,494 Superfund human exposure sites (as of FY 2002).
- By 2008, control the migration of contaminated ground water through engineered remedies or natural processes at 80 percent (approximately 1,371) of RCRA baseline facilities and 65 percent (832) of 1,275 Superfund ground-water exposure sites (as of FY 2002).
- By 2008, select final remedies (cleanup targets) at 30 percent (approximately 514) of RCRA baseline facilities and approximately 82 percent (1,223) of 1,498 Superfund sites (as of FY 2002).
- By 2008, clean up and reduce the backlog of approximately 140,000 leaking UST sites by 50 percent, and complete construction of remedies at 20 percent (approximately 343) of RCRA baseline facilities and approximately 72 percent (1,086) of 1,498 Superfund sites (as of FY 2002). (Construction completion is a benchmark used to show that all significant construction activity has been completed, even though additional remediation may be needed for all cleanup goals to be met.)

### **Sub-objective 3.2.3: Maximize Potentially Responsible Party Participation at Superfund Sites**

Through 2008, conserve Superfund trust fund resources by ensuring that potentially responsible parties conduct or pay for Superfund cleanups whenever possible.

#### Strategic Targets:

- Each year through 2008, reach a settlement or take an enforcement action before the start of a remedial action at 90 percent of Superfund sites having viable, liable responsible parties other than the federal government.
- Each year through 2008, address all Statute of Limitations cases for Superfund sites with unaddressed total past costs equal to or greater than \$200,000.

**G.C      SUBJECT MATTER EXPERTS**

The following table identifies the subject matter experts for Appendix G.

**EXHIBIT G.1 SUBJECT MATTER EXPERTS**

<b>Subject Matter Expert</b>	<b>Subject Area</b>	<b>Phone #</b>
Richard Jeng/ Rafael Gonzalez	Construction Completion	(703) 603-8749 (703) 603-8892
Patricia Kennedy	Enforcement	(202) 564-6061
Melanie Hoff	Environmental Indicators	(703) 603-8808
Lance Elson	Federal Facility Enforcement	(202) 564-2577
Augusta Wills	Federal Facility Enforcement	(202) 564-2468
Joshua Barber	Federal Facility Response	(703) 603-0265
Robin M Anderson/ Carolyn Kenmore	Final Remedy Selection	(703) 603-8714 (703) 308-8644
Melissa Friedland	Land Re-use	(703) 603-8864
Janet Weiner	OSRTI/GPRA	(703) 603-8717
Terry Eby/ Dana Stalcup/ Charlotte Englert	Removals	(703) 603-8741 (703) 603-8725 (202) 564-8888
Robert White	Response Appendix Coordinator	(703) 603-8873
Angelo Carasea	Site Assessment	(703) 603-8828
Bill Ross	Site Assessment	(303) 312-7007

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